

Regular Session, 2013

ACT No. 261

HOUSE BILL NO. 297

BY REPRESENTATIVES JOHNSON AND WESLEY BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact Code of Criminal Procedure Article 334.4 and to enact Code of Criminal Procedure Article 334.6, relative to the prohibition on release on own recognizance for certain offenses; to provide for a rebuttable presumption relative to the release of a defendant on his own recognizance under certain circumstances; to provide for a contradictory hearing; to provide for nonprofit organizations performing or providing pretrial services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 334.4 is hereby amended and reenacted and Code of Criminal Procedure Article 334.6 is hereby enacted to read as follows:

Art. 334.4. Arrest for certain crimes; release on own recognizance prohibited

A. Notwithstanding any other provision of law to the contrary, any defendant who has been arrested for any of the following crimes shall not be released by the court on the defendant's own recognizance or on the signature of any other person:

- (1) R.S. 14:32.1 (vehicular homicide).
- (2) R.S. 14:40.3 (cyberstalking), if the person has two prior convictions for the same offense.
- (3) R.S. 14:44.2 (aggravated kidnapping of a child).

1 (4) R.S. 14:79 (violation of protective orders), if the person has a prior
2 conviction for the same offense.

3 (5) R.S. 14:87.1 (killing a child during delivery).

4 (6) R.S. 14:87.2 (human experimentation).

5 (7) R.S. 14:93.3 (cruelty to the infirmed), if the person has a prior conviction
6 for the same offense.

7 (8) R.S. 14:98 (operating a vehicle while intoxicated), if the person has a
8 prior conviction for the same offense.

9 (9) R.S. 14:102.1(B) (aggravated cruelty to animals).

10 (10) R.S. 14:102.8 (injuring or killing of a police animal).

11 (11) The production, manufacturing, distribution, or dispensing or the
12 possession with the intent to produce, manufacture, distribute or dispense a
13 controlled dangerous substance in violation of R.S. 40:966(B), 967(B), 968(B),
14 969(B), or 970(B) of the Uniform Controlled Dangerous Substances Law.

15 B. There shall be a rebuttable presumption that any defendant who has
16 previously been released on his own recognizance or on the signature of any other
17 person on a felony charge, and who has either been arrested for a new felony offense
18 or has at any time failed to appear in court on a felony offense after having been
19 notified in open court, shall not be released on his own recognizance or on the
20 signature of any other person. This presumption may be overcome if the judge
21 determines, after contradictory hearing in open court, that a review of the relevant
22 factors warrants this type of release. The hearing shall take place within thirty days
23 of the defendant's release.

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25 Art. 334.6. Nonprofit organization performing or providing pretrial services

26 Any nonprofit organization which is contracted, employed, or which receives
27 public funds to perform or provide pretrial services, such as screening of any

1 defendant, shall verify all background information provided by a defendant or
2 otherwise obtained by the organization regarding the defendant.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____